

ADVISORY OPINION 94-020

Any advisory opinion rendered by the registry under subsection (1) or (2) of this section may be relied upon only by the person or committee involved in the specific transaction or activity with respect to which the advisory opinion is required. KRS 121. 135(4).

November 5, 1994

Judge Wayne McGee
District Judge, 18th District, 2nd Division
Courthouse
Cynthiana, Kentucky 41031

Dear Judge McGee:

Thank you for contacting the Registry. The facts provided in your letter may be summarized as follows:

You have campaign paraphernalia remaining from a previous campaign, including ink pens, paper productions, and matches, etc., which you eventually would like to donate. You further indicate that you do not plan to run for re-election.

Based on the information you have provided, your question may be stated as follows:

Whether you may dispose of previous campaign materials without violating Kentucky campaign finance statutes.

In response to your question, the disbursement of unexpended campaign material is controlled by KRS 121.180(10), which provides:

[A]ny unexpended balance of funds not otherwise obligated for the payment of expenses incurred to further a political issue or the candidacy of a person...shall escheat to the State Treasury, be returned pro rata to all contributors...except that a candidate, committee, or an official...may donate the funds to any charitable, non-profit, or educational institution recognized under Section 501(c)(3) of the Internal Revenue Code.

Black's Law Dictionary, 108 (5th ed. 1979) defines "fund" as an "asset or group of assets set aside for a specific purpose." An "asset" is further defined as "property of all kinds, real and personal, tangible and intangible." Id. at 606. The campaign paraphernalia you describe would be considered campaign property. Therefore, it constitutes a campaign asset, and must be distributed in accordance with KRS 121.180(10).

Campaign paraphernalia may be distributed at your discretion provided your actions comply with the above-cited statute. A copy of Section 501(c)(3) of the Internal Revenue Code is attached for your information.

If you have any questions, please contact the Registry. Thank you.

Sincerely,

Rosemary F. Center
General Counsel

RFC/db